

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Yong Soo Chong
Art Unit : 1617
Applicants : Paul D. van Poelje, Mark D. Erion, Toshihiko Fujiwara
Serial No. : 09/900,364
Filed : July 5, 2001
Conf. No. : 7049
For : Combination of FBPase Inhibitors and Antidiabetic Agents Useful for the Treatment of Diabetes

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

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Sir:

The owner, Metabasis Therapeutics, Inc., of 100% interest in the above-identified patent application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer, of prior Patent Nos. 6,965,033 and 6,756,360. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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I am the attorney of record.

The fee of \$140.00 under 37 CFR 1.20(d) was paid at the time this Terminal Disclaimer was filed. The Commissioner is hereby authorized to charge any other fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

Date

October 23, 2008



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